

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF HALLIE TEMPLETON

I, Hallie Templeton, hereby declare as follows:

1. I am the Legal Director for Friends of the Earth (Friends). My responsibilities include working closely with our campaign staff to build and implement legal strategies that further our organizational mission. In my capacity at Friends, I am familiar with all aspects of our mission, advocacy activities, and organizational interests.
2. Friends is a tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code of 1986 and a not-for-profit corporation existing under the laws of the District of Columbia. Our national headquarters is located at 1101 15th Street NW, 11th Floor, Washington, DC 20005. Our regional California office is located at 2101 Webster Street #1300, Oakland, CA 94612.
3. Friends is a membership organization consisting of over 226,000 members, and more than 8.7 million activists nationwide, including 893 members who live in Alaska. Friends is also a member of Friends of the Earth-International, which is a network of grassroots groups in 74 countries worldwide.
4. Our mission is to protect our natural environment, including air, water, and land, and to create a more healthy and just world. Friends utilizes public education, advocacy, legislative processes, and litigation to achieve its organizational goals. Our Climate & Energy and Oceans & Vessels programs directly engage in administrative and legal advocacy to protect the environment and society from climate change, pollution, mining, and heavy industrialization.

5. Friends is gravely concerned about the adverse impacts that industrial exploration, development, and production activities have in Alaska, including attempts to develop Pebble Mine in Bristol Bay. These impacts include serious harm to the environment and all life that depend on the health of this region. For these reasons, Friends has actively and regularly engaged in a range of activities at the government and corporate levels to oppose Pebble Mine. For example, in 2018, Friends attended the annual shareholders meeting of First Quantum Minerals to oppose its prospective financial support for Pebble Mine. At this meeting, we hand-delivered over 270,000 signatures, including over 40,000 Friends members and activists, who are opposed to the Pebble Mine project. This effort proved successful: First Quantum Minerals thereafter refused to finalize an agreement to provide financial support to the project.

6. Friends has devoted significant resources to a publicity campaign over governmental decisions and policies that involve Pebble Mine. In recent years, we issued press over many newsworthy events. In 2018, we issued press over First Quantum Minerals decision to halt its financial support of Pebble Mine. In 2019, we covered the U.S. House of Representatives' passage of a minibus amendment to halt Pebble Mine. In 2020, we issued press denouncing the U.S. Army Corps of Engineers (the Corps) release of a Final Environmental Impact Statement that supported Pebble Mine; a Trump Administration Executive Order to expedite infrastructure permitting amid COVID-19, which we feared might streamline Pebble Mine; and the Environmental Protection Agency's (EPA) initial failure to invoke Clean Water Act authority to protect Bristol Bay

from Pebble Mine. We also covered events in blogs and impacts stories, including our 2021 publication detailing our work that led to EPA's announcement of reinitiating proposed Clean Water Act protections for Bristol Bay. Then, in 2023, we published another piece covering our work that led to the Corps' denial of a permit to operate Pebble Mine.

7. Our members and activists have also shown incredible concern over Pebble Mine. All told, since 2017 we have delivered 30 action alerts to our email list to inform them of Pebble Mine developments. As a result of these alerts, we collected over 73,900 total petition signatures, which we delivered to pertinent officials.

8. Our Ocean and Vessels team houses our Arctic Clean shipping campaign, which has been devoted to opposing Pebble Mine for years. As part of this work, Friends has lobbying U.S. Congress and federal agencies to reject and oppose Pebble Mine at every opportunity. We have also lobbied these entities to pass permanent protections for the Bristol Bay region, including Congressional and EPA adoption of United Tribes of Bristol Bay organization's "Call to Protect Bristol Bay" that included a request for an EPA Clean Water Act 404(c) veto and permanent Congressional protections. In 2018, Friends submitted Scoping Comments to the Corps Alaska District related to development of an Environmental Impact Statement on Pebble Mine. In 2019, Friends initially petitioned EPA to initiate a Clean Water Act 404(q) dispute resolution process on Pebble Mine, which EPA denied. In the years following this denial, Friends implored EPA to reinitiate the 404(c) processes, which was eventually met with success. The

reinitiation process began in the fall of 2021, during which time Friends submitted comments supporting the proposal to prohibit the proposed mining plan. The result of the EPA's Final Determination which prohibits mining in the area around the Pebble deposit and protects Bristol Bay is the subject of this litigation.

9. Our mining work also included opposing the nearby, and largely similar, Groundhog mine, which involved the delivery of comments from over 20,000 Friends activists urged the Alaska Department of Natural Resources to prevent this facility.

10. Friends and its members and activists have used, currently use, and will continue to use Bristol Bay, including areas and species affected by Pebble Mine, for various purposes, including subsistence. Our members and activists are concerned that their subsistence and other interests will be adversely affected by the industrial activities associated with Pebble Mine, individually and in combination with other potential industrial development activities in the region. Should Pebble Mine move forward, the project would be one of the largest and most destructive open-pit mines in North America. It could generate billions of tons of dangerous waste, wipe out 90 miles of salmon streams and pollute more than 2,000 acres of wetlands, ponds and lakes. It would threaten Bristol Bay's salmon population — catastrophically impacting local communities and Earth's last great wild sockeye salmon fishery; indeed, Bristol Bay provides nearly half of the world's wild sockeye salmon. Industrial activities associated with the mine's construction and operations would include an open pit, milling and processing facilities, tailings storage facilities, water treatment plants, a power plant, an

industrial road and port, and a natural gas pipeline which all would cause irreparable harm to the terrestrial, marine, avian, and fish species that depend on Bristol Bay and its surrounding lands and waters during critical life stages and that our members and activists use or otherwise enjoy. Friends and its members and activists are gravely concerned about Pebble Mine's myriad adverse impacts directly on Bristol Bay, as well as widespread effects on the surrounding sensitive ecosystem.

11. Friends members have already experienced, and are currently experiencing, the devastating impacts of past and ongoing industrial activities throughout the state of Alaska. A number of our Alaska members belong to Native or Indigenous communities, who rely on the nearby waterways and wildlife for subsistence use, from Bristol Bay to the North Slope. In the North Slope, I have personally heard from these members that a direct impact of nearby industrialization includes habitat loss, changes in migration patterns, and overall decline in health and population of wildlife, such as fish, caribou, and moose. These harms are linked to air, water, light, and noise pollution, and other harms to waterways and vegetation. Additional harm across the state includes impacts to our members' ability to recreate in and around the region, through camping, hiking, paddling, wildlife viewing, and more. In short, industrial development is undermining the region's ecological integrity and threatening the physical and mental health and wellbeing of Friends members in the region. Friends members are gravely concerned that similar harms will rapidly overtake Bristol Bay should Pebble Mine gain approval to construct and operate. Overturning EPA's Final Determination, which could result in

Pebble Mine being permitted, would harm Friends members' interests who use and enjoy the Bristol Bay watershed, similar to what has occurred in other regions of Alaska.

12. Friends and its members have an interest not just in the physical areas and resources of Bristol Bay, including the adjacent marine and coastal areas, but also an interest in defending the proper application of the Clean Water Act and the expectation that lawful agency decisions made in light of this law, such as EPA's Final Determination which restricts and prohibits mining activities associated with developing the Pebble Mine, are upheld. In this instance, EPA has properly fulfilled the substantive and procedural mandates of the Clean Water Act and other laws, which required EPA to analyze all the potential environmental impacts of the Pebble Mine. EPA's compliance with these laws also furthers our ability to provide our members and the public accurate information about how the potential Pebble Mine would affect Bristol Bay, the surrounding ecosystem, and the people and species that depend on the health of the region. Such information is pivotal for Friends to fully achieve its organizational purposes. The interests and organizational purposes of Friends would be therefore directly and irreparably injured if EPA's Final Determination is overturned in this case. A ruling setting aside this lawful decision will result in direct harm to Friends and its members. The harms to Friends and its members and activists from Pebble Mine are directly prevented by the actions of EPA.

13. In sum, Friends has a strong organizational interest in protecting Bristol Bay, the sensitive ecosystems surrounding Bristol Bay, and the people who depend on

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them from the adverse impacts of industrial development. In advocating for these interests, Friends represents itself and its members, who live near, visit, or otherwise use and enjoy Bristol Bay. EPA's decision related to Pebble Mine protects Friends and its members and activists' interests in Bristol Bay and the surrounding lands and waters. Specifically, if this decision were reversed to allow Northern Dynasty to develop Pebble Mine, it would not only impact Friends, but it would also threaten the region's fragile habitats and species directly.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 24, 2024

By: Hallie Templeton
Hallie Templeton